

Remarks

Claims 1-28 are pending, while claims 7, 9-14, 21, and 23-28 stand withdrawn. Claims 1-6 and 15-20 are rejected. Applicants respectfully traverse the rejection and request allowance of claims 1-6 and 15-20.

Claims 1-3, 6, 15-17, and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 4,912,805 (Krasznai et al.) in view of Great Britain Patent 2,041,741 (Stubbs). Inasmuch as the rejection applies to the claims as amended, Applicants respectfully traverse the rejection.

Independent claims 1 and 15, as amended, require at least one row of bristle tufts disposed on the brushroll body. The at least one row of bristle tufts comprise a first tuft of a first effective length from the brushroll body and at least a second tuft of a second effective length that is different from the first effective length. The first tuft is oriented at a first angle with respect to a radius direction of the brushroll body and the second tuft is oriented at a second angle that is different from the first angle.

Krasznai does not disclose a first bristle tuft at a first angle from a radius direction and a second bristle tuft at a second angle that is different from the first angle. In contrast, Krasznai only discloses radially oriented bristle tufts. Krasznai does not disclose even a single angled bristle tuft.

Stubbs does not disclose a row of bristle tufts including first tufts and second tufts, with a first tuft being oriented at a first angle and a second tuft being oriented at a second angle that is different from the first angle. Instead, FIG. 3 of Stubbs shows two rows 2 of tufts. All of the tufts of each row 2 are angled. The teaching of angling an entire row of tufts in Stubbs does not teach the angling of individual tufts of a row and does not teach a first tuft at a first angle and a second tuft at a second angle. The combination of Krasznai and Stubbs therefore does not produce independent claims 1 and 15 of the present invention.

The Court of Appeals for the Federal Circuit has held that “[t]here must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant’s invention itself.” In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992) (emphasis added). There is no motivation to combine Krasznai and Stubbs.

The Advisory Action asserts that the motivation to combine is that Stubbs angles the tufts in order to introduce a flick action to the tufts. However, it is not clear how this could be a motivation for such a combination. All brush bristles, when they contact a floor surface, will experience a flick action as the brushroll is rotated. The tufts of Krasznai, whether angled or not, will perform a flick action when encountering a floor surface. Therefore, there is no need to combine Stubbs with Krasznai in order to provide a flick action to Krasznai. Consequently, the alleged motivation does not provide the requisite motivation for combining the two references.

The Advisory Action asserts that: "as set forth in the [final] rejection, Stubbs suggests that tufts of differing lengths will have differing angles to achieve [sic] the proper flick action." This statement attempts to imply that Stubbs includes tufts of multiple lengths. This is simply incorrect. Stubbs shows tufts that are uniform in length over an entire row (see FIG. 1 of Stubbs, for example). What Stubbs actually discloses is that the angle of a row of tufts can be varied, and can be varied according to the length of a row of tufts ("length of the *tufts* of bristles" (emphasis added)).

Independent claims 1 and 15 therefore include features that are neither taught nor suggested by any of the cited references. Claims 2-3, 6, 16-17, and 20 are allowable for the same reasons as claims 1 and 15.

Claims 4 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Krasznai and Stubbs and further in view of U.S. Patent No. 2,459,007 (Taylor). Claims 4 and 18 depend from independent claims 1 and 15 and therefore are patentable for the reasons previously discussed.

Claims 5 and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Krasznai and Stubbs and further in view of U.S. Patent No. 3,188,673 (Newman). Claims 5 and 19 depend from independent claims 1 and 15 and therefore are patentable for the reasons previously discussed.

Applicants respectfully request allowance of claims 1-6 and 15-20.

Please feel free to call me to discuss the patentability of the pending claims.

Respectfully submitted,

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